

## UN Permanent Forum for Indigenous Issues, Sixth Session, May 14 - 25 2007

### Agenda Item 9, Future Work of the Forum

Joint Intervention from the on Treaties, Agreements and Constructive Arrangements Indigenous Peoples' Contact Group, including the International Indian Treaty Council, the Union of British Columbia Chiefs, International Organization of Indigenous Resource Development, Indigenous World Association, Confederacy of Treaty 6 First Nations, Na Koa Ikaika Ka Lahui Hawai'i, Ilio'ulaokalani Coalition, Mainyito Pastoralist Integrated Development Organization, Aoeteroa Indigenous Rights Trust, Buffalo River Dene Nation, First Nations Summit, Assembly of First Nations, Native Women's Association of Canada, Foundation for Aboriginal and Islander Research Action (FAIRA), Te Runanga Kaimahi Maori o Aotearoa, Te Pu Raranga o Taranaki Aotearoa, Kananka Maoli Hawai'i, Marera Neti de Monluc Tahiti Nui, Kamakakuokalani Center for Hawaiian Studies at the University of Hawai'i at Manoa, Ka Lahui Hawai'i and the Rapanui Parliament.

### Oral statement presented by Mililani Trask

Thank you Madame Chair. We express appreciation that the vital issue of Treaties, Agreements and Constructive Arrangements entered into by Indigenous Peoples and states has been so effectively addressed and included by Indigenous delegations under a range of agenda items during this session of the UNPFII, including in discussion on lands, territories, resources and human rights. We would like to carry consideration of this vital theme forward in terms of concrete steps and recommendations addressing the future work of the UNPFII under this agenda item.

Specifically, in this regard we would like to present the following recommendations for future action and follow-up by the UNPF and the United Nations system, based on, and in some cases further elaborating the Conclusions and Recommendations from **the 2<sup>nd</sup> United Nations Expert Seminar on Treaties, Agreements and Constructive Arrangements** which was held in November 14-17, 2006, in Maskwacîs Cree Territory, Alberta Canada.

We therefore call upon the UNPFII at its 6<sup>th</sup> session to elaborate a plan for future work on this issue, including to:

1. Emphasize and assert indigenous peoples' own understanding of the Treaties as documented and evidenced by Indigenous Peoples' oral histories, traditions and the concepts expressed in their own languages, and emphasize that these understandings must be the basis for all current processes between States and indigenous peoples and within the UN system to resolve conflicts and disputes related to the implementation of treaties and the rights they affirm.
2. Recommend that the Human Rights Council include the question of Treaties, agreements and other constructive arrangements when undertaking its Universal Periodic Review of state members.
3. Recommend that the Human Rights Council request the new Expert Advisory Body on Indigenous Peoples Human Rights being established as a subsidiary body of the Human Rights Council to propose and initiate next steps in order to update and complete the UN Study on Treaties, Agreements and Constructive Arrangements. This could include the

possible appointment of a Rapporteur to carry out this task and provide regular reports to the Human Rights Council, the UNPFII and other appropriate bodies.

4. Recommend that the new Expert Advisory Body on Indigenous Peoples Human Rights established as a subsidiary body of the Human Rights Council be given the task of developing a framework for the implementation of Article 37 of the UN Declaration on the Rights of Indigenous Peoples as adopted by the HRC to assess implementation of Treaties, Agreements and Constructive Arrangements between States and Indigenous Peoples in all regions of the world.
5. Recommend that the third expert seminar on Treaties, agreements and other constructive arrangements as called for by ECOSOC take place in Waitangi, Aotearoa (New Zealand), in February 2008 and that the Office of the High Commissioner on Human Rights organize the seminar, the indigenous host communities, States, indigenous organizations, and appropriate UN bodies.

We eagerly await the Permanent Forum's inclusion of these recommendations in its final report of this session. They will provide important next steps to insure the recognition, observance and enforcement of Treaties, Agreements and Constructive Arrangements between States and Indigenous Peoples in all regions of the world, and to continue to engage the support and collaboration of the UN system in this regard..

Thank you.